

UNIROYAL TECHNOLOGY CORPORATION

SUITE 900
TWO NORTH TAMiami TRAIL
SARASOTA, FLORIDA 34236-5568

OLIVER J. JANNEY
EXECUTIVE VICE PRESIDENT,
GENERAL COUNSEL & SECRETARY

US EPA RECORDS CENTER REGION 5



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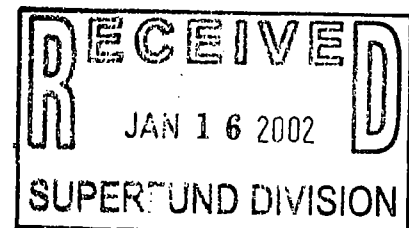
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January 10, 2002

U.S. Environmental Protection Agency
Deena Sheppards-Johnson, SR-6J
Remedial Enforcement Support Section
77 West Jackson Blvd.
Chicago, Illinois 60604

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: The Chemical Recovery Systems Site,
Elyria, Ohio



Dear Sirs and Mesdames:

I am responding on behalf of Uniroyal Technology Corporation ("UTC") to the letter of Mr. Donald J. Bruce dated March 2, 2001 forwarded by Mr. Thomas C. Nash with his letter dated October 18, 2001 requesting information from Uniroyal Technology Corporation ("UTC") pursuant to Section 104(e) of CERCLA with respect to the Chemical Recovery Systems Superfund Site in Elyria, Ohio (the "Site").

Our investigation and response are based on our assumption that the only UTC facility that possibly could have dealt with the Site is the one known as Building No.146, Erie Industrial Park, Port Clinton, Ohio (the "Port Clinton Plant"). The nearest other facilities formerly operated by Uniroyal Plastics Company, Inc. ("UPC") were or are situated in Mishawaka, Indiana, Warsaw, Indiana, and Stoughton, Wisconsin. Based on proximity and our investigation of the waste disposal activities of such plants over the years, we have no reason to believe that such plants sent any waste to the Site.

The assets of the business for which the Port Clinton Plant was used from 1993 through 1998, except for the real property and improvements thereon, were sold in 1998. The Port Clinton Plant has been basically non-operational, except for warehousing, since November 1998.

It might be useful for you to understand the chain of ownership of the Port Clinton Plant, which has been as follows: Uniroyal, Inc. acquired the Port Clinton Plant in approximately 1964 from the U.S. Government. In 1985, as part of a corporate reorganization, Uniroyal, Inc. transferred title to the Port Clinton Plant to its wholly-owned subsidiary, UPC. At that time UPC agreed to indemnify Uniroyal, Inc. with respect to environmental liabilities of the businesses transferred to UPC, including the

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business involving the Port Clinton Plant. Polycast Technology Corporation (later renamed The Jesup Group, Inc. ("Jesup:")) acquired all of the common stock of Uniroyal Plastics Company, Inc. on October 31, 1986. It agreed to ensure that UPC complied with its contractual obligation to indemnify Uniroyal, Inc. for environmental liabilities arising from the businesses of UPC. In approximately November 1987, Uniroyal Plastics Company, Inc. transferred the ownership in the Port Clinton Plant, together with other assets of its Coated Fabrics Division, to its wholly owned subsidiary, Uniroyal Engineered Products, Inc. (later known as Old Uniroyal Engineered Products, Inc.). Old Uniroyal Engineered Products, Inc. went through a reorganization under Chapter 11 of the United States Bankruptcy Code, together with four of its affiliated corporations, in South Bend, Indiana between November 13, 1991 and September 27, 1992. Its Plan of Reorganization was substantially consummated on September 27, 1992, at which time it transferred the Port Clinton Plant to Uniroyal Engineered Products, Inc., a wholly owned subsidiary of UTC, which was then owned by the creditors of the companies that had been reorganized. None of the debtors that transferred assets to the new subsidiaries of UTC (including Uniroyal Engineered Products, Inc.) assumed the obligations of UPC or Jesup with regard to the environmental liabilities of UPC or Uniroyal, Inc. On June 7, 1993, Uniroyal Engineered Products, Inc. was merged into UTC, which then became the owner of the Port Clinton Plant. In 2000, UTC transferred the ownership of the plant to its wholly owned subsidiary, UnitechOH, Inc. Uniroyal Plastics Company, Inc. is currently in liquidation under Chapter 7 of the Federal Bankruptcy Code in the United States Bankruptcy Court, Northern District of Indiana, South Bend Division.

As part of the resolution of the bankruptcy proceeding of the predecessors of Uniroyal Technology Corporation, the bankruptcy debtors and Uniroyal Technology Corporation entered into a settlement agreement with the United States and the states of Indiana and Wisconsin (the "Settlement Agreement") pursuant to which claims relating to certain known third party sites were resolved; in exchange for releases and covenants not to sue with respect to twenty (20) Superfund sites. Pursuant to the Settlement Agreement, the United States agreed to the discharge of all liabilities and obligations of Old Uniroyal Engineered Products, Inc. under Sections 106 and 107 of CERCLA arising from prepetition acts of Old Uniroyal Engineered Products, Inc. or its predecessors at Superfund sites not specifically addressed in the Settlement Agreement. This discharge applies to the Site in the event that Old Uniroyal Engineered Products, Inc. is determined to have liability in connection with the Site. In return, the United States and the states received common stock of Uniroyal Technology Corporation. In the Settlement Agreement the United States agreed not to issue any Section 106 orders against UTC or the debtors with respect to sites other than the known sites. This restriction applies to claims with regard to the Site. In addition, no third party may pursue any UTC entity (or any predecessor-in-interest that was a party to the bankruptcy proceeding) at the Site as the result of the discharge and release in the bankruptcy proceeding. The Settlement Agreement further provided that, if and when the United States were to undertake enforcement activities at a

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Superfund site from which Old Uniroyal Engineered Products would otherwise be released and discharged, the United States (but no other party) could elect to seek a determination of the extent of the liability of Old Uniroyal Engineered Products absent the release and discharge in the bankruptcy proceeding. The Settlement Agreement provides that the amount of that liability could then be collected on the same terms that would have applied to unsecured claims under the Plan of Reorganization entered in the bankruptcy proceeding. In other words, any recovery that the United States would be able to secure here would be payable in "plan dollars" once the liability of Old Uniroyal Engineered Products was determined. I enclose for your information a copy of the Settlement Agreement. The rate of recovery for creditors of Old Uniroyal Engineered Products, Inc., which owned the Port Clinton Plant, was 20.8 percent. Since New Uniroyal Engineered Products, Inc. did not assume the liabilities of Old Uniroyal Engineered Products, Inc., that liability remains with Old Uniroyal Engineered Products, Inc. and Uniroyal Plastics Company, Inc. Pursuant to the discharge and release in bankruptcy and the provisions of the Settlement Agreement, UTC has no liability with respect to the Site.

Subject to the foregoing, UTC has undertaken an investigation to respond to your information request. With regard to the "Definitions" portion of your request, we acknowledge your use of the terms defined. Please be advised that we have not necessarily adopted those definitions for our responses. In addition, please note that this response is submitted on behalf of UTC only, and not on behalf of its officers, managers, employees, contractors, trustees or agents. UTC states that it has conducted a review of relevant corporate records and has performed a reasonable inquiry of present and past employees and others who might have knowledge of matters raised in the information request. UTC objects to instruction number 6 to the extent that it is intended to create a continuing duty for UTC to supplement its response. This instruction exceeds the statutory authority of the Agency under CERCLA. Nevertheless, without committing to do so or acknowledging an obligation to do so, in the event that in the future UTC becomes aware of any information that demonstrates that the enclosed responses were in any way incorrect, although believed to be correct when made, or no longer true, then UTC will endeavor to supplement its responses as appropriate. Finally, UTC objects to instruction number 9 to the extent that the instruction exceeds the scope of CERCLA. CERCLA does not require that respondents certify or notarize the answers to the information request. Without waiving its objections, UTC states that it has conducted a review of relevant corporate records and has performed a reasonable inquiry of employees and identifiable past employees who have knowledge of matters raised in the information request regarding the Site. The enclosed responses reflect the results of that inquiry and accurately reflect the information available to those parties identified in the response to information request number 1.

We have reviewed the few documents we have relating to the period in question and have found no evidence linking the Coated Fabrics plant in Port Clinton, Ohio with

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the Site. Our review did not turn up any information concerning hazardous waste disposal during the period in question, except for Appendix 2 to this letter. We found no reference to the Chemical Recovery Systems or any of the other names listed in question number 7 in environmental and vendor records. I should point out that Uniroyal, Inc. had a number of operations at Erie Industrial Park and also leased premises in Erie Industrial Park to a number of other companies, including at least one other plastics company. A former laboratory technician at the Port Clinton Plant recalls that the Port Clinton Plant had sent and recovered solvents with respect to a site in or near Elyria. We found no written records supporting his recollection.

The following are specific responses to the information requests set forth in Mr. Bruce's letter of March 2, 2001:

1. Identify all persons consulted in the preparation of the answers to these questions.

Name: Charles A. Mullins, Sr.

Last known employer: Cardinal Services
30335 Oregon Road
Perrysburg, Ohio 43551
(419) 893-5400

Last known home address: 3398 West Lakeshore Drive
Port Clinton, Ohio 43452
(419) 635-2251

Name: William Faust

Last known employer: Royal Adhesives and Sealants, Inc.
2001 West Washington Street
South Bend, Indiana 46628
(219) 246-5000

Last known home address: 51365 Gentian Lane
Granger, Indiana 46530
(219) 277-8760

Name: Francis Krawcek

Last known employer: Uniroyal Engineered Products, LLC
501 South Water Street
Stoughton, Wisconsin 53589
(608) 873-6631

Last known home address: 822 Eisenhower Road
Stoughton, Wisconsin 53589
(608) 873-5590

Name: Emerson R. Howell

Last known employer: Textileather Corporation
3729 Twining Street
Toledo, Ohio 43608

Last known home address: 517 Washington Street
Port Clinton, Ohio 43452

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents:

All files remaining at the Port Clinton Plant were reviewed. A list of such files is enclosed as Appendix 1. Also the files of UTC's former Environmental Affairs Department in South Bend, Indiana were also reviewed. Except for the draft of "Waste Disposal Summary, Port Clinton, Uniroyal Plastics Company, 1966-1987" filed herewith as Appendix 2, there were no documents responsive to the March 2, 2001 request.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons:

Name: Robert V. D'Angelo, Jr., Esq.

Last known employer: Uniroyal Holding, Inc.
70 Great Hill Road
Naugatuck, Connecticut 06770

The person who is most likely to have had information was Karl Messner, who is deceased.

4. List the EPA Identification Numbers of the Respondent: **OHD003941721**

5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom at the CRS Site.

No knowledge.

6. Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site (operating as Obitts Chemical Company or Chemical Recovery Systems, Inc., at 142 Locust Street, Elyria, Ohio).

None. A person who might have had knowledge was Karl Messner, who is deceased.

7. Describe all arrangements that respondent may have or may have had with each of the following companies or persons:

- a) Obitts Chemical Company
- b) Russell Obitts
- c) Chemical Recovery Systems, Inc.
- d) Peter Shagena
- e) James Freeman
- f) James "Jim" Jackson
- g) Donald Matthews
- h) Bob Spears
- i) Bill Bromley
- j) Carol Oliver
- k) Nolwood Chemical Company, Inc.
- l) Art McWood
- m) Chuck Nolton
- n) Michigan Recovery System, Inc.
- o) Chemical Recovery Systems of Michigan

No knowledge or records in Company files of any such arrangements. Our understanding of the "Waste Disposal Survey" filed herewith as Appendix 2 is that it was intended to identify the universe of sites and facilities used by Uniroyal Plastics Company's Port Clinton facility between 1966 and 1987. None of the companies or persons named in the information request is indicated in the "Waste Disposal Survey".

8. Set forth the dates during which the Respondent engaged in any of the following activities:

- a) generation of hazardous materials which were sent to the CRS Site.
- b) transportation of any material to the CRS Site.

None known.

9. Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the CRS Site. In addition, identify the following:

- a) The persons with whom you or such other persons made such arrangements;
- b) Every date on which such arrangements took place;
- c) For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
- d) The owner of the materials or hazardous substances so accepted or transported;
- e) The quantity of the materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions.
- f) All tests, analyses, and analytical results concerning the materials;
- g) The person(s) who selected the CRS Site as the place to which the materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identify of the person from whom payment was received;
- i) Where the person identified in g) above intended to have such hazardous substances or materials transported and all evidence of this intent;
- j) Whether the materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the materials or hazardous substances once they were brought to the CRS Site;

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l) The final disposition of each of the materials or hazardous substances involved in such transactions;

m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the material and hazardous substance involved in each transaction;

n) The type and number of containers in which the materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the CRS Site, and all markings on such containers;

o) The price paid for (i) transport, (ii) disposal, or (iii) both of each material and hazardous substance;

p) All documents containing information responsive to a) - o) above, or in lieu of identification of all relevant documents, provide copies of all such documents;

q) All persons with knowledge, information, documents responsive to a) - p) above.

None known.

10. Identify all liability insurance policies held by Respondent from 1960 to the present. In identifying such policies, state the name and address of each insurer and of the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clauses, and whether the policy covers or excludes sudden, non-sudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

The Respondent has held no liability insurance policies for the period prior to September 27, 1992. The respondent believes that Uniroyal, Inc. held liability insurance policies from 1960 to the time of its dissolution in December 1986.

11. Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.

Copies of consolidated tax returns enclosed herewith as Appendix 3.

12. If Respondent is a Corporation, respond to the following requests:

a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

b) Provide Respondent's financial statements for the past five fiscal years,

including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities.

d) Identify the Parent Corporation and all Subsidiaries of the Respondent.

Amended and Restated Certificate of Incorporation - Appendix 4
By-Laws - Appendix 5
Financial Statements / current assets and liabilities - Appendix 6
Subsidiaries - Appendix 7

13. If Respondent is a Partnership, respond to the following requests:

a) Provide copies of the Partnership Agreement;

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;

c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities.

d) Identify all subsidiaries of the Respondent.

Not Applicable.

14. If Respondent is a Trust, respond to the following requests:

a) Provide all relevant agreements and documents to support this claim.

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities.

Not Applicable.

I certify that the information contained in this response is true and accurate to the best of my knowledge and the review of UTC's records.

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Please direct any further questions you may have, or any other correspondence concerning this matter to the attention of the undersigned.

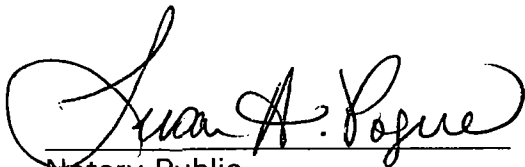
Very truly yours,



Oliver J. Janney

Subscribed and sworn to before
me this tenth day of January, 2001.

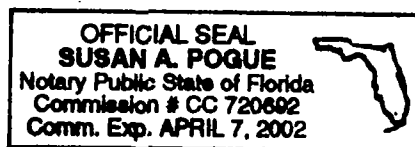
STATE OF FLORIDA
COUNTY OF SARASOTA



Notary Public

SUSAN A. POGUE

My commission expires:



OJJ/mlj

encl.

cc: Douglas Haynam, Esq. - Shumaker, Loop & Kendrick, LLP

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Uniroyal Technology Corp.
f/k/a Uniroyal Plastics
2 North Tamiami Trail #900
Sarasota FL 34236-5568

4a. Article Number: 7099 3400 0000 9588 3533

4b. Service Type

☐ Registered ☒ Certified

☒ Express Mail ☐ Insured

☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery: 11/1/94

5. Received By: (Print Name)
MARY LOU JENKINS

6. Signature: (Addressee or Agent)
X *Mary Lou Jenkins*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:
Uniroyal Technology Corp.

Postage \$ 5.20

Certified Fee 2.10

Return Receipt Fee (Endorsement Required) 1.50

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$ 8.80

Name: Uniroyal Technology Corp.
Street: f/k/a Uniroyal Plastics
City: 2 North Tamiami Trail #900
Sarasota FL 34236-5568

Postmark: CHICAGO IL 11/01/94

PS Form 3811, December 1994